

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>United States of America,</b>	)	<b>CASE NO. 1:16 CR 236</b>
	)	
<b>Plaintiff,</b>	)	<b>JUDGE PATRICIA A. GAUGHAN</b>
	)	
<b>Vs.</b>	)	
	)	
<b>Adam Libbey-Tipton,</b>	)	<b><u>Memorandum of Opinion and Order</u></b>
	)	
<b>Defendant.</b>	)	

This matter is before the Court upon defendant's Motion to Dismiss Indictment (Doc. 27). Also pending is defendant's Motion to Suppress Evidence and Request for Franks Hearing (Doc. 28). The motions are DENIED.

Defendant moves to dismiss the indictment on the grounds that the government engaged in outrageous conduct such that dismissal is warranted. As noted by the government, the FBI did not create the website Playpen. Nor did the government create or post images of child pornography. Rather, the government obtained a warrant to briefly allow the continued operation of the website in an effort to identify and locate dangerous child predators, who often employ technology making it extremely difficult for the government to otherwise apprehend

these individuals. The Court simply cannot say that this amounts to such outrageous conduct that offends fundamental notions of fairness. Dismissal of the indictment is not warranted.

Defendant also moves to suppress evidence obtained as a result of the NIT warrant issued in this case. This Court previously issued a detailed Opinion rejecting these arguments. For the reasons stated in that Opinion, the motion is DENIED. In addition, for the reasons stated by the government in its brief in opposition to the motion to suppress, the Court finds that a *Franks* hearing is not warranted. Defendant fails to point to a false statement that was material to a finding of probable cause.

IT IS SO ORDERED.

/s/ Patricia A. Gaughan  
PATRICIA A. GAUGHAN  
United States District Judge

Dated: 4/3/17